

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALTON LYNN LASH,)
)
)
Plaintiff)
)
)
v.) 1:07CV00238
)
)
BANK OF AMERICA,)
)
)
Defendant.)
)

MEMORANDUM ORDER AND JUDGMENT

This matter is currently before the Court on Defendant Bank of America's Motion to Dismiss [Doc. # 10] for failure to make proper service. When the Motion to Dismiss was filed, Mr. Lash, who is proceeding pro se, was sent the notice required by Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir.1975). [Doc. # 12]. The Roseboro notice, which was dated April 2, 2007, informed Mr. Lash that his complaint could be dismissed if he did not file a response "within 20 days from the date of service of the defendant's motion."

Mr. Lash has not filed a response to the Motion to Dismiss. Under these circumstances, the defendant is entitled to dismissal. See generally Sears Roebuck & Co., No. 1:01CV00643, 2002 WL 31812916 (M.D.N.C. Dec. 12, 2002) (citing Rule 7.3(k) of the Local Rules of Practice for the Middle District of North Carolina and granting motion for summary judgment where plaintiff failed to file response to motion). Therefore, Defendant's Motion to Dismiss [Doc. # 10] is GRANTED, and this case is DISMISSED.

This the 15th day of November, 2007.

/s/ N. Carlton Tilley, Jr.
United States District Judge